

# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:

Cullen & Co  
GPO Box 1074  
BRISBANE QLD 4001

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference 030689PC		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/AU2004/000930	International filing date (day/month/year) 9 July 2004	Priority date (day/month/year) 10 July 2003
International Patent Classification (IPC) or both national classification and IPC a. Cl. <sup>7</sup> E02B 3/16, E02D 19/16, 29/16, 31/00, E04B 1/70		
Applicant LYDEN, Paul John		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer <b>JOHN HO</b> Telephone No. (02) 6283 2329
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/000930

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material  
 in written format  
 in computer readable form
  - c. time of filing/furnishing  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-12	YES
	Claims -	NO
Inventive step (IS)	Claims 7, 9-11	YES
	Claims 1-6, 8 and 12	NO
Industrial applicability (IA)	Claims 1-12	YES
	Claims -	NO

2. Citations and explanations:

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 – AU 16163/95  
 D2 – Derwent Abstract Accession No. 25562B/13  
 D3 – US 4344722  
 D4 – EP 522481  
 D5 – GB 2268525  
 D6 – AU 449747 (11343/70)

NOVELTY (N):

Claims 1-12 meet the criteria set forth in PCT Article 33(2) for novelty. The prior art published before the priority date does not disclose the combination of a footing having a channel therein for housing a panel wherein the footing is disposed on a waterproofing membrane which extends along the side walls of the footing and into the channel and wherein the panel has an external waterproofing membrane that is in waterproof engagement with the membrane of the footing in the channel, and wherein the waterproofing membranes comprise an absorptive clay disposed between water permeable layers as defined by independent claims 1 and 12

INVENTIVE STEP (IS): Claims 1-6, 8 and 12

The use of a waterproofing membrane under a footing and which abuts the waterproofing membrane on the outer surface of a wall panel are disclosed in each of D1 and D2. D1 for instance discloses a termite barrier (13) formed below or around a footing (10). The termite barrier also acts as a moisture barrier (see page 5 lines 5-8). The termite or moisture barrier (13) adjoins an external barrier (16) which in turn abuts a damp flashing (20) on the external surface of a wall. D2 discloses waterproofing fabric (5) on a wall panel being attached to a waterproofing strip (4) formed around a footing (1).

Whilst these citations do not disclose the use of a waterproofing membrane comprising of an absorptive clay disposed between water permeable layers, this type of waterproofing membrane however is well known. See for instance the disclosure in citations D3 and D4. Therefore, D1 or D2, when combined with the teachings of either D3 or D4, discloses the invention defined by claims 1-6, 8 and 12.